

ANNUAL GENERAL MEETING MINUTES**THURSDAY, SEPTEMBER 23, 2010****BARCLAY MANOR - VR 856****TIME & LOCATION:**

7:00 p.m.
Sutton Place Hotel
845 Burrard Street
Vancouver, BC

**2010-2011
STRATA COUNCIL**

Brad Morrison
David Klainka
Helen Stepchuk
Maureen Pearl
Julie Carter
Mike Zanni
Ron Zanni

STRATA MANAGER
Wilson Munoz

BAYWEST MANAGEMENT
#300 – 1770 Burrard St.
VAN., BC, V6J 3G7

Phone: 604-257-0325
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wmunoz@baywest.ca

PRESENT:

Thirty-seven (37) strata lots represented
Twenty-one (21) in person
Sixteen (16) by proxy

STRATA AGENT:

Wilson Munoz, Baywest Management

(1) CALL TO ORDER

The Strata Manager, Wilson Munoz, called the meeting to order at 7:07 pm.

(2) CALLING THE ROLL & CERTIFICATION OF PROXIES

Of the 56 strata lots at Barclay Manor, all units were eligible to vote at the Annual General Meeting. As a quorum requires representation by 33% of eligible votes, a quorum in this instance required representation by Nineteen (19) votes. Thirty-seven (37) votes were represented, Twenty-one (21) in person and Sixteen (16) by proxy. A quorum was therefore established and the meeting was declared competent to proceed with the business at hand.

(3) PROOF OF NOTICE OF MEETING

It was MOVED and SECONDED that proper notice of meeting had been provided according to the requirements of the Strata Property Act. **CARRIED**

(4) ADOPTION OF THE AGENDA

It was MOVED and SECONDED to adopt the agenda of the Annual General Meeting as presented. **CARRIED**

**(5) ADOPTION OF THE MINUTES OF THE PREVIOUS
ANNUAL GENERAL MEETING**

It was MOVED and SECONDED that the minutes of the September 23, 2009 Annual General Meeting be approved as distributed. **CARRIED**

(6) PRESIDENT'S REPORT

Council President, David Klainka elaborated on the year's events as follows:

- Recycling is an issue as Owners are not doing it properly. The City has been fining the strata for not disposing of the recycling items. Council wishes to advise Owners that their tenants should be educated on recycling items as well.
- Plumbing issues were addressed by Brad Morrison and the plumbing contractor. However, piping retro-fit is needed. Roof reserve will be move into the plumbing fund as a result.

- Strata Finances are in very good shape. Strata Fees will remain the same and the Contingency Fund will allow us to contribute to the piping retrofit.
- Council will review proposed maintenance plans for the strata.

The Council President thanked the Strata Council Members for their valued time and contribution as well as those Owners who volunteered their assistance. He also extended a very special thank you to Brad and Danita, who continue to work diligently on behalf of the building, and the Strata Manager for the continuous support of Council.

(7) INSURANCE REPORT

Each Owner was provided with a copy of the insurance Cover Note for the building as part of the Notice of the Annual General Meeting package. The cover note sets out the coverage and deductibles the Strata Corporation currently holds on the property. The Strata Manager highlighted features of the insurance policy which included:

All property coverage for \$ 7,760,000
 Liability coverage at \$10 million
 Directors and officers liability at \$ 5 million
 Deductibles: Water/Sewer - \$ 5,000 - All Risks - \$1,000

The Strata Manager opened the floor for insurance related questions and responded to the same.

Owners are reminded that they must purchase contents and/or homeowner's insurance for any in-suite upgrades they make, and for their personal effects. The Strata Corporation's insurance does not cover these. Owners are also encouraged to ensure their tenant's place contents insurance on their personal effects. Owners are also encouraged to place insurance for coverage of Strata Corporation insurance deductibles.

(8) CONSIDERATION OF PROPOSED 2010-2011 OPERATING BUDGET

It was **MOVED** and **SECONDED** to present the proposed operating budget for the fiscal year 2010 – 2011 for discussion.

Discussion ensued for several items including insurance premium, landscaping, grounds improvements, etc. As there were no further questions on the proposed budget, a vote was called to adopt the proposed 2010-2011 operating budget as presented:

THIRTY-SEVEN (37) IN FAVOUR, NONE (0) OPPOSED, NONE (0) ABSTAINED
CARRIED UNANIMOUSLY

No further action is required by owners on automatic payment

If you are paying by cheque, please send 10 post-dated cheques (October 1, 2010 to July 1, 2011), made payable to Strata Corporation VR 856. Please forward your cheques to Baywest Management, 300 -1700 Burrard Street, Vancouver, BC V6J 3G7

(9) CONSIDERATION OF ¾ VOTE "A" – BUILDING RE-PIPING

BE IT THEREFORE RESOLVED, as a three-quarter (3/4) vote of the Owners of VR 856 – Barclay Manor, that an amount not exceeding \$ 300,000 (three-hundred thousand dollars) be expensed to re-

pipe the building. Funding to be from the following sources:

- \$56,000 (fifty-six thousand dollars) to be expensed from the Roof Reserve
- \$144,000 (one-hundred forty-four thousand dollars) to be expensed from the Contingency Reserve Fund (CRF)
- The remainder, an amount of \$100,000 (one-hundred thousand dollars) to be raised as a one-time Special Levy to the owners.

The above Special Levy is due and payable on four (4) equal payments due on October 1, 2010, November 1, 2010, December 1, 2010 & January 1, 2011 upon passage of this Special Resolution by the Owners of record. Payments shall be considered part of the common expenses of the Strata Corporation. This Special Levy is to be charged upon the Owners in proportion to their unit entitlement of their respective strata lots. Costs include contractor's fees, taxes and Baywest administration charges. Funds from the Special Levy Fund will be expensed first followed by the Roof Reserve and lastly from the CRF. A late payment penalty of \$50.00 will be levied monthly.

Notwithstanding the foregoing, this special levy is not considered as an "installment" levy as contemplated by Section 108 (3) (e) of the Strata Property Act, and Section 109 of the Strata Property Act therefore does not apply. If the amount collected by special levy exceeds that required, or for any other reason is not fully used for the purpose set out in the resolution, the Strata Corporation must return the money to the owners in an amount proportional to their contributions, except that if no owner is entitled to receive more than \$100 in total the Council shall deposit the excess in the Contingency Reserve Fund (CRF) pursuant to Sections 108 and 109 of the Strata Property Act.

It was MOVED and SECONDED to adopt $\frac{3}{4}$ Vote "A" as presented.

Council President opened the floor for related questions, and they were answered by Council and the Strata Manager.

There being no further discussion on the item, a vote was called to adopt the $\frac{3}{4}$ Vote "A" as presented.

THIRTY-SEVEN (37) IN FAVOUR, ZERO (0) OPPOSED, NONE (0) ABSTAINED
CARRIED UNANIMOUSLY

Attached is a copy of the Schedule of the Special Levy for the Building Re-piping.

(10) CONSIDERATION $\frac{3}{4}$ VOTE "B" – BYLAWS AMENDMENT

BE IT RESOLVED, as a $\frac{3}{4}$ Vote Resolution of the Owners of Strata Plan VR 856, Barclay Manor, that the Bylaws of Strata Plan VR 856 be amended as follows:

1) Amend Bylaw 38

Current – Bylaw 38

38 (1) Each change of tenancy will result in a move-in fee of \$ 50 (fifty dollars).

Proposed – Bylaw 38

38 (1) Each change of tenancy will result in a move-in fee of \$ 100 (one-hundred dollars).

It was MOVED and SECONDED to adopt $\frac{3}{4}$ Vote "B" – Bylaw 38 Amendment as presented.

Council President opened the floor for related questions, and they were answered by Council and the

Strata Manager.

There being no further discussion on the item, a vote was called to adopt the $\frac{3}{4}$ Vote "B" – Bylaw 38 Amendment as presented.

THIRTY-SEVEN (37) IN FAVOUR, ZERO (0) OPPOSED, NONE (0) ABSTAINED

CARRIED UNANIMOUSLY

Attached is a copy of adopted strata bylaw amendment. It has been filed with the Land Title Office.

2) Repeal and Replace Current Bylaw 39

Current - Bylaw 39

39 There is no rental restriction at Barclay Manor

Proposed Bylaw 39

39. Rentals

39.1 The number of strata lots within the strata corporation that may be leased at any one time is limited to ten (10).

39.2 An owner wishing to lease a strata lot must apply in writing to the council for permission to rent before entering into a tenancy agreement.

39.3 If the number of strata lots leased at the time an owner applies for permission to lease has reached the limit stated in bylaw 39.1, excluding exempt strata lots pursuant to sections 143 and 144 of the Act and section 17.15 of the Regulations, the council must refuse permission and notify the owner of the same in writing, as soon as possible stating that the limit has been reached or exceeded, as the case may be, and place the owner of the strata lot on a waiting list to be administered by the council based upon the date of the request for permission to rent.

39.4 If the limit stated in bylaw 39.1 has not been reached at the time the owner applies for permission to lease a strata lot, excluding exempt strata lots pursuant to sections 143 and 144 of the Act and section 17.15 of the Regulations, the council shall grant permission and notify the owner of the same in writing as soon as possible. If the owner is not prepared or no longer wishes to rent the strata lot at the time permission is granted, the council will remove the owner's name from the waiting list.

39.5 An owner receiving permission to lease a strata lot must exercise the permission to lease within three calendar months from the date that the council granted permission, otherwise the permission expires. During the three calendar months immediately following the grant of permission, the strata lot shall be deemed leased for the purposes of the limit stated in bylaw 39.1. An owner receiving permission to lease a strata lot must screen tenants properly and enter into a tenancy agreement for a fixed term of at least one year.

39.6 Prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the strata corporation and a Notice of Tenant's Responsibilities in Form K including the Owner's current phone number.

39.7 Within two weeks of renting a strata lot, the landlord must give the strata corporation a copy of

the Form K - Notice of Tenant's Responsibilities signed by the tenant, in accordance with section 146 of the Act. An Owner in contravention of this bylaw shall be subject to a fine of \$ 200, and every seven days if the contravention continues and without further notice.

39.8 Where an owner leases a strata lot in contravention of bylaws 39.1, 39.2, 39.3, 39.5, 39.6 or 39.7, the owner shall be subject to a fine of \$500.00 and the strata corporation shall take all necessary steps to terminate the lease or tenancy, including, but not limited to, seeking a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the strata corporation in enforcing the rental restriction bylaws shall be the responsibility of the contravening owner and shall be recoverable from the owner on a solicitor and own client basis by the strata corporation.

It was MOVED and SECONDED to adopt $\frac{3}{4}$ Vote "B" – Bylaw 39 Amendment as presented.

Council President opened the floor for related questions, and they were answered by Council and the Strata Manager.

There being no further discussion on the item, a vote was called to adopt the $\frac{3}{4}$ Vote "B" – Bylaw 39 Amendment as presented.

SIX (6) IN FAVOUR, THIRTY (30) OPPOSED, ONE (1) ABSTAINED

DEFEATED

There is no rental restriction at Barclay Manor as the above $\frac{3}{4}$ Vote Resolution was defeated.

(11) CONSIDERATION OF $\frac{3}{4}$ VOTE "C" – ALTERATION TO COMMON PROPERTY

BE IT RESOLVED, as a $\frac{3}{4}$ Vote Resolution of the Owners of Strata Plan VR 856, Barclay Manor, that four (4) Oak trees planted at the front on the Westside of the building be removed immediately to avoid potential damage to the building structure

It was MOVED and SECONDED to adopt $\frac{3}{4}$ Vote "C" as presented.

Council President opened the floor for related questions regarding the potential damage by Oak tree roots to the retaining wall, and they were answered by Council and the Strata Manager.

There being no further discussion on the item, a vote was called to adopt the $\frac{3}{4}$ Vote "C" as presented.

THIRTY-FIVE (35) IN FAVOUR, TWO (2) OPPOSED, NONE (0) ABSTAINED

CARRIED

Oak trees will be removed based upon Regulations by the City of Vancouver.

(12) ELECTION OF 2010-2011 STRATA COUNCIL

The Strata Manager advised Owners that in accordance with the Strata Property Act and Strata Bylaws, the existing Strata Council would retire from Office and the Strata Corporation would elect a new Council by majority vote, with a minimum of three (3) Members and a maximum of seven (7) Members, with a retiring Member of Council eligible for re-election.

The Strata Manager advised that the Council had been very enjoyable to work with, and moved a vote of thanks to the retiring Council for their hard work and efforts during the year on behalf of Owners, followed by a round of applause for the retiring Council members.

The 2010/2011 Strata Council officially resigned their positions and the floor was then opened for

nominations for the 2010/2011 Strata Council.

The following Owners accepted their nominations to Strata Council and were jointly elected by majority vote:

Brad Morrison	# 605	Maureen Pearl	# 209 (N/R)
David Klainka	# 104	Julie Carter	# 402
Helen Stepchuk	# 610	Ron Zanni	# 101
Mike Zanni	# 403		

The newly elected Council Members met briefly at the close of the meeting, agreed to hold the first Council Meeting of the fiscal year on Wednesday, October 13, 2010 within the workroom and volunteered for the following positions:

Acting President: David Klainka # 104

Acting Treasurer: Maureen Pearl # 209 (N/R)

Members at Large:

- Helen Stepchuk # 610
- Mike Zanni # 403

Brad Morrison # 605
Julie Carter # 402

Ron Zanni # 101

(13) GENERAL DISCUSSION AND QUESTIONS

The following issues were raised as General Discussion at the meeting:

- Assess and improve landscaping / grounds on Southside of the building by planting seasonal and colorful plants
- Establish a Rental Support Committee to assist Absentee Owners with screening and dealing with tenants
- Schedule a meeting with the Piping Retrofit Contractor
- Inform Owners of the Approved Piping Retrofit Project in a timely manner so they can make arrangements for in-suite plumbing repairs / upgrades

(14) TERMINATION OF MEETING

There being no further business, the meeting was terminated at 9:00 p.m.

<p>Please retain these minutes for your records. In the event you decide to sell your strata lot, you will need to provide them to your realtor. There will be a charge for copies.</p>
